

E-Filing

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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 JOSE LUIS MARTINEZ-OROZCO,)
17 Defendant.)
18

No. 05-70618 HRL

2 J
STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME

SAN JOSE VENUE

19
20 On September 8, 2005, the parties in this case appeared before the Court for an arraignment.

21 At that appearance, Assistant United States Attorney Susan Knight explained to the Court that
22 the government has offered the defendant a "fast-track" resolution of his illegal reentry case,
23 however, he may not have an aggravated felony conviction which would result in a sentencing
24 range less than the proposed 30 months. Therefore, in order to fully investigate the defendant's
25 criminal history, the parties requested that the arraignment be continued to September 29, 2005 at
26 9:30 a.m. In addition, the defendant, through his counsel, agreed to an exclusion of time under
27 Rule 5 of the Federal Rules of Criminal Procedure and the Speedy Trial Act from September 8,
28

1 2005 to September 29, 2005. The parties agree and stipulate that an exclusion of time is
2 appropriate based on the defendant's need for effective preparation of counsel.

3 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

4 DATED: _____

/s/
5 SUSAN KNIGHT
Assistant United States Attorney

6 DATED: _____

/s/
7 ANGELA HANSEN
8 Assistant Federal Public Defender

9 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
10 continued to September 29, 2005 at 9:30 a.m. before the Honorable Judge Lloyd. Good cause
11 is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure
12 and 18 U.S.C. § 3060.

13 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
14 Speedy Trial Act from September 8, 2005 to September 29, 2005. The Court finds, based on the
15 aforementioned reasons, that the ends of justice served by granting the requested continuance
16 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
17 the requested continuance would deny defense counsel reasonable time necessary for effective
18 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
19 of justice. The Court therefore concludes that this exclusion of time should be made under 18
20 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

21 SO ORDERED.

22 DATED: 9/12/05


23 RICHARD SEEBORG
24 United States Magistrate Judge
25
26
27
28

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 "conformed" signature (/S/) within this efiled document.

3 DATED: _____
4

/s/
5 SUSAN KNIGHT
6 Assistant United States Attorney
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Other Documents5:05-mj-70618-HRL USA v. Martinez-Orozco

U.S. District Court
Northern District of California
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The following transaction was received from Knight, Susan on 9/12/2005 at 10:05 AM

Case Name: USA v. Martinez-Orozco
Case Number: 5:05-mj-70618
Filer: USA
Document Number: 7

Docket Text:
STIPULATION and proposed order excluding time by USA as to Jose Luis Martinez-Orozco (Knight, Susan) (Filed on 9/12/2005)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: N:\SKreider\Martinez_Rule_5_and_STA_exclusion.pdf
Electronic document Stamp:
[STAMP CANDStamp_ID=977336130 [Date=9/12/2005] [FileNumber=2104670-0]

[b1a82f8b170f6c38426ff51046605b101d5f780c23569aafl6b1dc631eb87ca3b2a
a8e668ad00bd1d3d920c810b0cd29fb90b9f797d99b12d845ba03a9ef0f]

5:05-mj-70618-1 Notice will be electronically mailed to:

Susan Frances Knight Susan.Knight@usdoj.gov,

Jay Rorty jay_rorty@fd.org, susie_barrera@fd.org

5:05-mj-70618-1 Notice will NOT be electronically mailed to: